

From: [Immigration Law360](#)
To: [Murry Anthony \(EOIR\)](#)
Subject: BREAKING: Justices Say Time, Place Needed For Removal Rule
Date: Thursday, June 21, 2018 10:25:06 AM

Law360 Immigration



IMMIGRATION

Thursday, June 21, 2018



BREAKING: Justices Say Time, Place Needed For Removal Rule

The U.S. Supreme Court determined Thursday that served notices of appearance triggering the so-called stop-time rule must include time and place information to be valid, ruling in favor of a Brazilian immigrant facing possible deportation due to the statute.

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From: [McDaniel, Scott \(EOIR\)](#)
To: [All of San Francisco \(EOIR\)](#)
Subject: Marking of Separated Family NTAs
Date: Tuesday, June 26, 2018 11:09:38 AM
Attachments: [image001.png](#)
[image003.png](#)

Good Morning:

EOIR has created two new case identifiers in CASE to be used on the cases wherein a parent or child has been separated from the other (please see below). It is incumbent upon anyone entering NTAs (both detained and non-detained) to look for the SEP-P or SEP-C marking on an NTA and enter the appropriate case identifier on the Case Info tab in CASE.

There has been no instruction to schedule or handle these cases any differently than any other. Please just ensure, for now, that these case identifiers are entered in CASE if so marked on the NTA.

Thanks:

Scott

From: Pasierb, Mark (EOIR)
Sent: Monday, June 25, 2018 9:39 AM
To: All of Court Administrators (EOIR) <All_of_Court_Administrators@EOIR.USDOJ.GOV>
Cc: Santoro, Christopher A (EOIR) <Christopher.Santoro@EOIR.USDOJ.GOV>; Wiggs, Nicole (EOIR) <Nicole.Wiggs@EOIR.USDOJ.GOV>; Cannetti, Francesca P. (EOIR) <Francesca.Cannetti@EOIR.USDOJ.GOV>; Jackson, Cynthia (EOIR) <Cynthia.Jackson@EOIR.USDOJ.GOV>; Lawrence, Tanya (EOIR) <Tanya.Lawrence@EOIR.USDOJ.GOV>; Bartolomei, Jr. Rico (EOIR) <Rico.Bartolomei@EOIR.USDOJ.GOV>; Cheng, Mary (EOIR) <Mary.Cheng@EOIR.USDOJ.GOV>; Daugherty, Daniel J. (EOIR) <Daniel.Daugherty@EOIR.USDOJ.GOV>; Dufresne, Jill (EOIR) <Jill.Dufresne@EOIR.USDOJ.GOV>; Feldman, Irene (EOIR) <Irene.Feldman@EOIR.USDOJ.GOV>; Grim, James (EOIR) <James.Grim@EOIR.USDOJ.GOV>; Griswold, Stephen (EOIR) <Stephen.Griswold@EOIR.USDOJ.GOV>; Hoogasian, Amy C. (EOIR) <Amy.Hoogasian@EOIR.USDOJ.GOV>; Keller, Mary Beth (EOIR) <MaryBeth.Keller@EOIR.USDOJ.GOV>; Laurent, Scott (EOIR) <Scott.Laurent@EOIR.USDOJ.GOV>; Lee-Sullivan, Marcia L. (EOIR) <Marcia.Lee-Sullivan@EOIR.USDOJ.GOV>; Loprest, Jr., F. James (EOIR) <F.James.LoprestJr@EOIR.USDOJ.GOV>; Maggard, Print (EOIR) <Print.Maggard@EOIR.USDOJ.GOV>; Manna, Karen (EOIR) <Karen.Manna@EOIR.USDOJ.GOV>; Mart, H. Kevin (EOIR) <H.Kevin.Mart@EOIR.USDOJ.GOV>; Martin, Clay N. (EOIR) <Clay.Martin@EOIR.USDOJ.GOV>; McNulty, Sheila (EOIR) <Sheila.McNulty@EOIR.USDOJ.GOV>; Murry, Anthony (EOIR) <Anthony.Murry@EOIR.USDOJ.GOV>; Nadkarni, Deepali (EOIR) <Deepali.Nadkarni@EOIR.USDOJ.GOV>; Ortiz-Ang, Susana (EOIR) <Susana.Ortiz-Ang@EOIR.USDOJ.GOV>; Paul, Nancy J. (EOIR) <Nancy.Paul@EOIR.USDOJ.GOV>; Perron, Raymond (EOIR) <Raymond.Perron@EOIR.USDOJ.GOV>; Roldan, Martin (EOIR) <Martin.Roldan@EOIR.USDOJ.GOV>; Rooyani, Rodin (EOIR) <Rodin.Rooyani@EOIR.USDOJ.GOV>; Rosen, Scott (EOIR) <Scott.Rosen@EOIR.USDOJ.GOV>; Scala, Theresa M. (EOIR) <Theresa.Scala@EOIR.USDOJ.GOV>; Sukkar, Elisa (EOIR) <Elisa.Sukkar@EOIR.USDOJ.GOV>; Weil, Jack (EOIR) <Jack.Weil@EOIR.USDOJ.GOV>; Weiss, Daniel H. (EOIR) <Daniel.Weiss@EOIR.USDOJ.GOV>
Subject: FW: Marking of separated family NTAs

Court Administrators,

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Cc: OCIJ Senior Staff

From: Maggard, Print (EOIR)
Sent: Monday, June 25, 2018 11:54 AM
To: Cheng, Mary (EOIR) <Mary.Cheng@EOIR.USDOJ.GOV>; Pasierb, Mark (EOIR) <Mark.Pasierb@EOIR.USDOJ.GOV>
Subject: FW: Marking of separated family NTAs

From: Maggard, Print (EOIR)
Sent: Thursday, June 21, 2018 6:37 PM
To: Bartolomei, Jr. Rico (EOIR) <Rico.Bartolomei@EOIR.USDOJ.GOV>; Daugherty, Daniel J. (EOIR) <Daniel.Daugherty@EOIR.USDOJ.GOV>; Feldman, Irene (EOIR) <Irene.Feldman@EOIR.USDOJ.GOV>; Grim, James (EOIR) <James.Grim@EOIR.USDOJ.GOV>; Hoogasian, Amy C. (EOIR) <Amy.Hoogasian@EOIR.USDOJ.GOV>; Laurent, Scott (EOIR) <Scott.Laurent@EOIR.USDOJ.GOV>; Loprest, Jr., F. James (EOIR) <F.James.LoprestJr@EOIR.USDOJ.GOV>; Mart, H. Kevin (EOIR) <H.Kevin.Mart@EOIR.USDOJ.GOV>; Martin, Clay N. (EOIR) <Clay.Martin@EOIR.USDOJ.GOV>; McNulty, Sheila (EOIR) <Sheila.McNulty@EOIR.USDOJ.GOV>; Nadkarni, Deepali (EOIR) <Deepali.Nadkarni@EOIR.USDOJ.GOV>; Paul, Nancy J. (EOIR) <Nancy.Paul@EOIR.USDOJ.GOV>; Rooyani, Rodin (EOIR) <Rodin.Rooyani@EOIR.USDOJ.GOV>; Scala, Theresa M. (EOIR) <Theresa.Scala@EOIR.USDOJ.GOV>; Sukkar, Elisa (EOIR) <Elisa.Sukkar@EOIR.USDOJ.GOV>; Weil, Jack (EOIR) <Jack.Weil@EOIR.USDOJ.GOV>; Weiss, Daniel H. (EOIR) <Daniel.Weiss@EOIR.USDOJ.GOV>
Cc: All of Court Administrators (EOIR) <All_of_Court_Administrators@EOIR.USDOJ.GOV>; Keller, Mary Beth (EOIR) <MaryBeth.Keller@EOIR.USDOJ.GOV>; Cheng, Mary (EOIR) <Mary.Cheng@EOIR.USDOJ.GOV>; Santoro, Christopher A (EOIR) <Christopher.Santoro@EOIR.USDOJ.GOV> <Christopher.Santoro@EOIR.USDOJ.GOV>
Subject: Marking of separated family NTAs

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From: [Wilson, Donna L. \(EOIR\)](#)
To: [Keller, Mary Beth \(EOIR\)](#); [Rosen, Scott \(EOIR\)](#); [Santoro, Christopher A \(EOIR\)](#); [All of Court Administrators \(EOIR\)](#); [All of Judges \(EOIR\)](#); [Pasierb, Mark \(EOIR\)](#); [Ortiz-Ang, Susana \(EOIR\)](#); [Manna, Karen \(EOIR\)](#); [Kuschel, Mark \(EOIR\)](#)
Subject: Pereira v. Sessions - Guidance (on behalf of CIJ Keller)
Date: Wednesday, June 27, 2018 1:48:18 PM

Judges and Court Administrators:

Duplicate



MaryBeth Keller
Chief Immigration Judge
U. S. Department of Justice
Executive Office for Immigration Review
Mary.Beth.Keller@usdoj.gov
703-305-1247

From: [McDaniel, Scott \(EOIR\)](#)
To: [All of San Francisco \(EOIR\)](#)
Subject: **URGENT PROCEDURE CHANGE** Newly filed NTAs **UPDATED 6/29/2018**
Date: Friday, June 29, 2018 12:59:04 PM
Importance: High

Good Morning:

Duplicate



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Thanks:
Scott

From: McDaniel, Scott (EOIR)

Sent: Wednesday, June 27, 2018 12:44 PM

To: All of San Francisco (EOIR) <All_of_SanFrancisco@EOIR.USDOJ.GOV>

Subject: **URGENT PROCEDURE CHANGE** Newly filed NTAs

Importance: High

Duplicate



Duplicate



Thanks:

Scott McDaniel

Deputy Court Administrator

San Francisco Immigration Court
100 Montgomery Street, Suite 800
San Francisco, California 94104

(T) 415.705.0144

(F) 415.544.9945

From: [Aquino, Marites \(EOIR\)](#)
To: [McDaniel, Scott \(EOIR\)](#); [All of San Francisco \(EOIR\)](#)
Subject: RE: **URGENT PROCEDURE CHANGE** Newly filed NTAs
Date: Wednesday, June 27, 2018 4:36:03 PM

Received and understood.

Thank you,
Marites

From: McDaniel, Scott (EOIR)
Sent: Wednesday, June 27, 2018 12:44 PM
To: All of San Francisco (EOIR) <All_of_SanFrancisco@EOIR.USDOJ.GOV>
Subject: **URGENT PROCEDURE CHANGE** Newly filed NTAs
Importance: High

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Thanks:

Scott McDaniel

Deputy Court Administrator

San Francisco Immigration Court

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San Francisco, California 94104

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(F) 415.544.9945

From: [Hollis, Wendell \(EOIR\)](#)
To: [Murry, Anthony \(EOIR\)](#)
Subject: Pereira
Date: Monday, July 02, 2018 1:33:00 PM

What's your read on this case? Narrow ruling or more expansive?

Wendell A. Hollis
U.S. Immigration Judge
Phoenix Immigration Court
250 N. 7th Ave., Suite 300
Phoenix, AZ 85007
wendell.hollis@usdoj.gov
(602) 340-4066

From: [Pasierb, Mark \(EOIR\)](#)
To: [All of Court Administrators \(EOIR\)](#)
Cc: [Bartolomei, Jr. Rico \(EOIR\)](#); [Cheng, Mary \(EOIR\)](#); [Daugherty, Daniel J. \(EOIR\)](#); [Dufresne, Jill \(EOIR\)](#); [Feldman, Irene \(EOIR\)](#); [Grim, James \(EOIR\)](#); [Griswold, Stephen \(EOIR\)](#); [Hoogasian, Amy C. \(EOIR\)](#); [Keller, Mary Beth \(EOIR\)](#); [Laurent, Scott \(EOIR\)](#); [Lee-Sullivan, Marcia L. \(EOIR\)](#); [Loprest, Jr., F. James \(EOIR\)](#); [Maggard, Print \(EOIR\)](#); [Manna, Karen \(EOIR\)](#); [Mart, H. Kevin \(EOIR\)](#); [Martin, Clay N. \(EOIR\)](#); [McNulty, Sheila \(EOIR\)](#); [Murry, Anthony \(EOIR\)](#); [Nadkarni, Deepali \(EOIR\)](#); [Ortiz-Ang, Susana \(EOIR\)](#); [Paul, Nancy J. \(EOIR\)](#); [Perron, Raymond \(EOIR\)](#); [Roldan, Martin \(EOIR\)](#); [Rooyani, Rodin \(EOIR\)](#); [Rosen, Scott \(EOIR\)](#); [Santoro, Christopher A \(EOIR\)](#); [Scala, Theresa M. \(EOIR\)](#); [Sukkar, Elisa \(EOIR\)](#); [Weil, Jack \(EOIR\)](#); [Weiss, Daniel H \(EOIR\)](#); [Wiggs, Nicole \(EOIR\)](#)
Subject: ISS date
Date: Thursday, August 02, 2018 10:16:12 AM

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Cc: OCIJ

From: [Pasierb, Mark \(EOIR\)](#)
To: [All of Court Administrators \(EOIR\)](#)
Cc: [Santoro, Christopher A \(EOIR\)](#); [Wiggs, Nicole \(EOIR\)](#); [Cannetti, Francesca P. \(EOIR\)](#); [Jackson, Cynthia \(EOIR\)](#); [Lawrence, Tanya \(EOIR\)](#); [Bartolomei, Jr, Rico \(EOIR\)](#); [Cheng, Mary \(EOIR\)](#); [Daugherty, Daniel J. \(EOIR\)](#); [Dufresne, Jill \(EOIR\)](#); [Feldman, Irene \(EOIR\)](#); [Grim, James \(EOIR\)](#); [Griswold, Stephen \(EOIR\)](#); [Hoogasian, Amy C. \(EOIR\)](#); [Keller, Mary Beth \(EOIR\)](#); [Laurent, Scott \(EOIR\)](#); [Lee-Sullivan, Marcia L. \(EOIR\)](#); [Loprest, Jr., F. James \(EOIR\)](#); [Maggard, Print \(EOIR\)](#); [Manna, Karen \(EOIR\)](#); [Mart, H. Kevin \(EOIR\)](#); [Martin, Clay N. \(EOIR\)](#); [McNulty, Sheila \(EOIR\)](#); [Murry, Anthony \(EOIR\)](#); [Nadkarni, Deepali \(EOIR\)](#); [Ortiz-Ang, Susana \(EOIR\)](#); [Paul, Nancy J. \(EOIR\)](#); [Perron, Raymond \(EOIR\)](#); [Roldan, Martin \(EOIR\)](#); [Rooyani, Rodin \(EOIR\)](#); [Rosen, Scott \(EOIR\)](#); [Scala, Theresa M. \(EOIR\)](#); [Sukkar, Elisa \(EOIR\)](#); [Weil, Jack \(EOIR\)](#); [Weiss, Daniel H. \(EOIR\)](#)
Subject: FW: Marking of separated family NTAs
Date: Monday, June 25, 2018 12:38:45 PM
Attachments: [image001.png](#)
[image003.png](#)

Court Administrators,

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Cc: OCIJ Senior Staff

From: Maggard, Print (EOIR)
Sent: Monday, June 25, 2018 11:54 AM
To: Cheng, Mary (EOIR) <Mary.Cheng@EOIR.USDOJ.GOV>; Pasierb, Mark (EOIR) <Mark.Pasierb@EOIR.USDOJ.GOV>
Subject: FW: Marking of separated family NTAs

From: Maggard, Print (EOIR)
Sent: Thursday, June 21, 2018 6:37 PM
To: Bartolomei, Jr. Rico (EOIR) <Rico.Bartolomei@EOIR.USDOJ.GOV>; Daugherty, Daniel J. (EOIR) <Daniel.Daugherty@EOIR.USDOJ.GOV>; Feldman, Irene (EOIR) <Irene.Feldman@EOIR.USDOJ.GOV>; Grim, James (EOIR) <James.Grim@EOIR.USDOJ.GOV>; Hoogasian, Amy C. (EOIR) <Amy.Hoogasian@EOIR.USDOJ.GOV>; Laurent, Scott (EOIR) <Scott.Laurent@EOIR.USDOJ.GOV>; Loprest, Jr., F. James (EOIR) <F.James.LoprestJr@EOIR.USDOJ.GOV>; Mart, H. Kevin (EOIR) <H.Kevin.Mart@EOIR.USDOJ.GOV>; Martin, Clay N. (EOIR) <Clay.Martin@EOIR.USDOJ.GOV>; McNulty, Sheila (EOIR) <Sheila.McNulty@EOIR.USDOJ.GOV>; Nadkarni, Deepali (EOIR) <Deepali.Nadkarni@EOIR.USDOJ.GOV>; Paul, Nancy J. (EOIR) <Nancy.Paul@EOIR.USDOJ.GOV>; Rooyani, Rodin (EOIR) <Rodin.Rooyani@EOIR.USDOJ.GOV>; Scala, Theresa M. (EOIR) <Theresa.Scala@EOIR.USDOJ.GOV>; Sukkar, Elisa (EOIR) <Elisa.Sukkar@EOIR.USDOJ.GOV>; Weil, Jack (EOIR) <Jack.Weil@EOIR.USDOJ.GOV>; Weiss, Daniel H. (EOIR) <Daniel.Weiss@EOIR.USDOJ.GOV>
Cc: All of Court Administrators (EOIR) <All_of_Court_Administrators@EOIR.USDOJ.GOV>; Keller, Mary Beth (EOIR) <MaryBeth.Keller@EOIR.USDOJ.GOV>; Cheng, Mary (EOIR) <Mary.Cheng@EOIR.USDOJ.GOV>; Santoro, Christopher A (EOIR) <Christopher.Santoro@EOIR.USDOJ.GOV>
Subject: Marking of separated family NTAs

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From: [Brackett, Krystal \(EOIR\) \(CTR\)](#)
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Cc: [Rose, Karen \(EOIR\)](#); [Atkinson, Pamela \(EOIR\)](#)
Subject: Matter of BERMUDEZ-COTA, 27 I&N Dec. 441 (BIA 2018)
Date: Friday, August 31, 2018 1:12:44 PM

The above precedent decision can be found in Volume 27 at page 441. The link to the decision is:

Intranet:

(b)(7)(E) [f](#)

- (1) A notice to appear that does not specify the time and place of an alien's initial removal hearing vests an Immigration Judge with jurisdiction over the removal proceedings and meets the requirements of section 239(a) of the Immigration and Nationality Act, 8 U.S.C. § 1229(a) (2012), so long as a notice of hearing specifying this information is later sent to the alien. *Pereira v. Sessions*, 138 S. Ct. 2105 (2018), distinguished.

KRYSTAL BRACKETT

(703) 756-8018

DOJ/EOIR/BIA

From: [LERS, EOIR \(EOIR\)](#)
To: [All of CLAD \(EOIR\)](#); [All of Judges \(EOIR\)](#); [All of OCTJ JLC \(EOIR\)](#); [Allen, Patricia M. \(EOIR\)](#); [Anderson, Jill \(EOIR\)](#); [Baptista, Christina \(EOIR\)](#); [Bauder, Melissa \(EOIR\)](#); [Berkeley, Nathan \(EOIR\)](#); [BIA ATTORNEYS \(EOIR\)](#); [BIA BOARD MEMBERS \(EOIR\)](#); [BIA TEAM JLC](#); [BIA TEAM P \(EOIR\)](#); [Brazill, Caitlin \(EOIR\)](#); [Burgie, Brea \(EOIR\)](#); [Burgus, Elizabeth \(EOIR\)](#); [Calvert, Irvina \(EOIR\)](#); [Cardenas, Lupe \(EOIR\)](#); [Carr, Donna \(EOIR\)](#); [Cicchini, Daniel \(EOIR\)](#); [Cowles, Jon \(EOIR\)](#); [Crossley, Maurice \(EOIR\)](#); [Cudo, Relanie \(EOIR\)](#); [Curry, Michelle \(EOIR\)](#); [D'Angelo, Matthew \(EOIR\)](#); [Evans, Brianna \(EOIR\)](#); [Gonzalez, Robert \(EOIR\)](#); [Grodin, Edward \(EOIR\)](#); [Hammond, Nicole \(EOIR\)](#); [Hartman, Alexander \(EOIR\)](#); [Hess, Chris \(EOIR\)](#); [Kaplan, Matthew \(EOIR\)](#); [King, Jean \(EOIR\)](#); [Korniluk, Artur \(EOIR\)](#); [Lang, Steven \(EOIR\)](#); [LERS, EOIR \(EOIR\)](#); [Lovejoy, Erin \(EOIR\)](#); [Martinez, Casey L. \(EOIR\)](#); [Mitchell, Carla \(EOIR\)](#); [Morteo, Cristina \(EOIR\)](#); [Noferi, Mark \(EOIR\)](#); [O'Hara, Shelley M. \(EOIR\)](#); [Park, Jeannie \(EOIR\)](#); [Podgorski, Monika \(EOIR\)](#); [Powell, Karen B. \(EOIR\)](#); [Ramirez, Sergio \(EOIR\)](#); [Rimmer, Phillip \(EOIR\)](#); [Robbins, Laura \(EOIR\)](#); [Rodrigues, Paul A. \(EOIR\)](#); [Rodriguez, Bernardo \(EOIR\)](#); [Rothwarf, Marta \(EOIR\)](#); [Sanders, John W. \(EOIR\)](#); [Schaaf, Joseph R. \(EOIR\)](#); [Smith, Terry \(EOIR\)](#); [Stutman, Robin M. \(EOIR\)](#); [Swanwick, Daniel \(EOIR\)](#); [Taufa, Elizabeth \(EOIR\)](#); [Vayo, Elizabeth \(EOIR\)](#)
Cc: [McHenry, James \(EOIR\)](#); [Reilly, Katherine \(EOIR\)](#); [Alder Reid, Lauren \(EOIR\)](#); [Sheehey, Kate \(EOIR\)](#); [Moutinho, Deborah \(EOIR\)](#); [Adams, Amanda \(EOIR\)](#); [Pease, Jeffrey \(EOIR\)](#); [Morgan, Kenosha \(EOIR\)](#); [EOIR Library \(EOIR\)](#)
Subject: Policy & Case Law Bulletin - August 31, 2018
Date: Friday, August 31, 2018 8:21:20 PM

**EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW**
Office of Policy | Legal Education and
Research Services Division

| Policy & Case Law Bulletin
August 31, 2018

Federal Agencies

DOJ

- [BIA Issues Decision in Matter of Bermudez-Cota](#) — EOIR
27 I&N Dec. 441 (BIA 2018)
A notice to appear that does not specify the time and place of an alien's initial removal hearing vests an Immigration Judge with jurisdiction over the removal proceedings and meets the requirements of section 239(a) of the Immigration and Nationality Act, 8 U.S.C. § 1229(a) (2012), so long as a notice of hearing specifying this information is later sent to the alien. [Pereira v. Sessions](#), 138 S. Ct. 2105 (2018), distinguished.
- [BIA Issues Decision in Matter of J. M. Acosta](#) — EOIR
27 I&N Dec. 420 (BIA 2018)
(1) A conviction does not attain a sufficient degree of finality for immigration purposes until the right to direct appellate review on the merits of the conviction has been exhausted or waived. (2) Once the Department of Homeland Security has established that a respondent has a criminal conviction at the trial level and that the time for filing a direct appeal has passed, a presumption arises that the conviction is final for immigration purposes, which the respondent can rebut with evidence that an appeal has been filed within the prescribed deadline, including any extensions or permissive filings granted by the appellate court, and that the appeal relates to the issue of guilt or innocence or concerns a substantive defect in the criminal proceedings. (3) Appeals, including direct appeals, and collateral attacks that do not relate to the underlying merits of a conviction will not be given effect to eliminate the finality of the conviction.
- [Virtual Law Library Weekly Update](#) — EOIR
This update includes resources recently added to EOIR's internal or external Virtual Law Library, such as Federal Register Notices, country conditions information, and links to recently-updated immigration law publications.

DHS

- [USCIS Posts Information on Refugee Processing and Security Screenings](#)

In late August, USCIS posted information online about the security screening and background checks required by the [U.S. Refugee Admissions Program \(USRAP\)](#) as well as the refugee resettlement process. The USRAP is an interagency effort which includes a number of governmental and non-governmental partners both abroad and in the United States.

- [USCIS Extends and Expands Suspension of Premium Processing for H-1B Petitions to Reduce Delays](#)

On August 28, 2018, USCIS announced it is extending the previously announced temporary suspension of premium processing for cap-subject H-1B petitions and, beginning Sept. 11, 2018, will be expanding this temporary suspension to include certain additional H-1B petitions. USCIS expects that these suspensions will last until Feb. 19, 2019, and will notify the public before resuming premium processing for these petitions.

- [Re-Registration Period Now Open for Temporary Protected Status for Somalia](#)

On August 27, 2018, USCIS announced that current beneficiaries of Temporary Protected Status (TPS) under Somalia's designation who want to maintain their status through the extension date of March 17, 2020, must re-register between August 27, 2018, and October 26, 2018. Re-registration procedures, including how to renew employment authorization documents (EADs), have been published in the [Federal Register](#).

DOS

- [DOS Issues 30-Day Notice of Proposed Information Collection: Application for Immigrant Visa and Alien Registration](#)

On August 28, 2018, DOS requested public comment until September 27, 2018, regarding the inclusion of additional questions including those related to social media use in the Electronic Application for Immigrant Visa and Alien Registration (DS-260). The consular officer would rely on this information to determine whether an applicant is eligible for a visa. For example, visa applicants would be asked to submit social media identifiers used in the previous five years.

- [DOS Updates 9 FAM](#)

DOS made updates to 9 FAM, including to section [601.13 \(U\)](#), adding a new subchapter on Consular returns and how to draft a return, and section [402.3 \(U\)](#), updating the required minimum wage for Maryland and removes UNPKO in Liberia from the list of United Nations peacekeeping operations list.

International

UN

- [UNHCR Issues a Guidance Note on Outflow of Nicaraguans](#)

In late August, UNHCR issued guidance that due to a rise in violence and human rights abuses caused by a continuing political and social crisis, many Nicaraguans have fled their country. "Based on UNHCR and partner profiling and border monitoring exercises, UNHCR observes that the majority of asylum claims are based on individuals' real or imputed political opinion, and therefore considers that they are likely to be in need of international refugee protection."

First Circuit

- [Aguilar-De Guillen v. Sessions](#)

No. 17-2095, 2018 WL 4057382 (1st Cir. Aug. 27, 2018), (**Asylum; CAT**)

The First Circuit denied the PFR, holding that Aguilar-De Guillen did not establish past persecution because she did not establish a nexus between the harm she suffered and a protected ground. The court also held that Aguilar-De Guillen did not establish a well-founded fear of future persecution on account of a protected ground from threats her family received by gang members for refusing to make monthly payments to a gang from their business in El Salvador. The court held that Aguilar-De Guillen's proposed particular social group of "single mothers without the protection of a male figure and unable to relocate in their country" lacked particularity, and that the gang targeted Aguilar-De Guillen and her family for extortion because of their wealth. The court also determined that Aguilar-De Guillen did not establish that she was entitled to Convention Against Torture (CAT) protection, finding the Board's CAT determination to be "well supported."

Second Circuit

- [Singh v. Sessions](#)

No. 17-550, 2018 WL 4090597 (2d Cir. Aug. 28, 2018) (unpublished) (Credibility)

The Second Circuit granted the PFR and remanded, holding that the two purported inconsistencies in Singh's testimony were an insufficient basis on which to uphold the IJ's adverse credibility finding. The court stated that the IJ "simply misunderstood the testimony, an understandable occurrence by a hearing officer obliged to adjudicate several cases in a single day and promptly dictate findings."

Fourth Circuit

- [United States v. Bell](#)

No. 16-4343, 2018 WL 4087893 (4th Cir. Aug. 28, 2018) (Crime of Violence)

The Fourth Circuit concluded that robbery with a deadly or dangerous weapon under Maryland Code, Article 27 § 488 is a violent felony under 18 U.S.C. § 924(e)(2)(B)(i), which is analogous to 18 U.S.C. § 16(a).

Seventh Circuit

- [Alvarenga-Flores v. Sessions](#)

No. 17-2920, 2018 WL 4090699 (7th Cir. Aug. 28, 2018) (Credibility)

The Seventh Circuit denied the PFR, concluding that substantial evidence supports the decisions of the IJ and Board that Alvarenga-Flores lacked credibility based on inconsistencies in his statements regarding encounters with gang members in El Salvador. One judge dissented, asserting that the discrepancies in Alvarenga-Flores's statements were not sufficient to support an adverse credibility determination when viewing the full context of his testimony and statements as a whole.

Eighth Circuit

- [Ramirez v. Sessions](#)

No. 17-1414, 2018 WL 4100068 (8th Cir. Aug. 29, 2018) (Due Process; Motions)

The Eighth Circuit denied the PFR, concluding that Ramirez, a woman from Guatemala, did not establish a due process violation resulting from her merits hearing or from errors in the IJ's decision referring to her as a man from Mexico. The court noted that "the Board's order shows it actively analyzed Ramirez's arguments on appeal and reached its own conclusion—without adopting the IJ's errors." The court also concluded that the Board did not abuse its discretion in denying Ramirez's motion to reopen or reconsider because the motion "largely elaborated on the same issues raised in her original appeal."

Ninth Circuit

- [Diaz-Jimenez v. Sessions](#)

No. 15-73603, 2018 WL 4122844 (9th Cir. Aug. 30, 2018) (False Claim to U.S. Citizenship)

The Ninth Circuit granted the PFR and remanded, holding that Diaz-Jimenez was not inadmissible for making a false claim of United States citizenship to obtain private employment under section 212(a)(6)(C)(ii)(I) of the Act because there was no basis in the record to conclude that Diaz-Jimenez represented himself as a U.S. citizen on a Form I-9 ("Employment Eligibility Verification"). The court concluded that a false representation of U.S. citizenship for a "purpose or benefit" under section 274A of the Act includes an intent to obtain private employment, but must be based on representing oneself as a U.S. citizen on a Form I-9.

- [Quiroz Parada v. Sessions](#)

No. 13-73967, 2018 WL 4100184 (9th Cir. Aug. 29, 2018) (Asylum; CAT)

The Ninth Circuit granted the PFR and remanded, concluding that Quiroz Parada established past persecution based on murder, physical assault, home invasions, and specific death threats experienced by Quiroz Parada and his family from FMLN guerillas during the Salvadoran Civil War on account of his membership in the particular social group of his family and on account of his imputed political opinion. The court also concluded that substantial evidence did not support the agency's determination that DHS successfully rebutted the presumption of future persecution, considering that the country conditions evidence in the record was "five years out of date" at the time of the IJ's decision, but nonetheless also showed that the FMLN had risen to power in El Salvador and had connections with MS gang members. The court also determined that the Board erroneously denied Quiroz Parada's application for CAT protection by failing to consider all evidence relevant to the possibility of future torture and by construing the "government acquiescence" standard too narrowly, stating that "awareness and willful blindness" of any Salvadoran government official suffices.

- [Lorenzo v. Sessions](#)

No. 15-70814, 2018 WL 4100360 (9th Cir. Aug. 29, 2018) (Controlled Substances)

The Ninth Circuit granted the PFR, concluding that the definition of "methamphetamine" applicable to convictions under California Health & Safety Code §§ 11378 and 11379(a) is broader than the definition of methamphetamine under the federal Controlled Substances Act, 21 U.S.C. § 812, and thus the convictions do not qualify as "controlled substance" violations under section 237(a)(2)(B)(i) of the Act. The court also concluded that §§ 11378 and 11379(a) are not divisible in this regard because the different varieties of methamphetamine under California law are alternative means of committing a single crime, and thus are categorically overbroad. The court determined that it was not required to give deference to the realistic probability approach articulated under [Matter of Ferreira](#), 26 I&N Dec. 415 (BIA 2014), because that holding was not an interpretation of the Act, but an interpretation of [Moncrieffe v. Holder](#), 569 U.S. 184 (2013), and [Gonzales v. Duenas-Alvarez](#), 549 U.S. 183 (2007).

- [United States v. Flores](#)

No. 16-50096, 2018 WL 4086975 (9th Cir. Aug. 28, 2018) (Aggravated Felony)

The Ninth Circuit concluded that “receipt of stolen property under California Penal Code § 496(a) is a categorical match to the generic federal crime of receipt of stolen property,” an aggravated felony theft offense under section 101(a)(43)(G) of the Act.

- [Barrera-Lima v. Sessions](#)

No. 13-73022, 2018 WL 4038193 (9th Cir. Aug. 24, 2018) (CIMT)

The Ninth Circuit granted the PFR, holding that the offenses of indecent exposure under Washington Rev. Code § 9A.88.010(1) or Washington Rev. Code § 9A.88.010(2)(b) are not categorically CIMTs. Applying [Matter of Cortes-Medina](#), 26 I&N Dec. 79 (BIA 2013), the court concluded that section 9A.88.010(1) is not a CIMT because it does not require sexual motivation or a lewd intent. The court also stated that even though section 9A.88.010(2)(b) punishes indecent exposure directed toward a protected class of victims, namely children under the age of 14, the statute punishes indecent exposure even if no one actually witnessed the exposure, so long as the exposure took place in the presence of a child. The court thus held that section 9A.88.010(2)(b) “is simply written too broadly to capture only depraved conduct that shocks the public conscience.” One judge dissented, asserting that the court should have granted the government’s unopposed motion to remand to allow the parties and Board the opportunity to develop an “innovative solution to resolve the case.”

From: [EOIR, PAO \(EOIR\)](#)
To: [All of EOIR](#)
Subject: EOIR Morning Briefing, Sept. 5, 2018
Date: Wednesday, September 05, 2018 9:48:21 AM



EOIR MORNING BRIEFING

U.S. Department of Justice
Executive Office for Immigration Review
By TechMIS

Wednesday, Sept. 5, 2018

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Executive Office for Immigration Review

[CA] California has largest immigration court backlog, others growing faster

[San Diego Union-Tribune](#) [9/4/2018 8:00 AM, Kate Morrissey, 320K, CA] reports that California has the largest immigration court backlog, but the number of pending cases is growing more rapidly in other states, according to a new report. Average wait times for hearings are also lengthening, according to the Transactional Records Access Clearinghouse of Syracuse University, an organization that analyzes data from immigration courts. Regardless of political stance on immigration, most involved in the system agree that, for years, there haven't been enough immigration judges for the volume of cases coming in. While the Trump administration has hired more judges, the backlog continues to grow. Nationwide, the backlog grew to 746,049 cases through the end of July, according to TRAC. About 80 percent of those cases are in 10 states – California, Florida, Georgia, Illinois, Maryland, Massachusetts, New Jersey, New York, Texas and Virginia.

Dockets solely consisting of cases for people held in immigration detention centers move faster because the Executive Office for Immigration Review, an agency within the Department of Justice that is responsible for immigration courts, prioritizes detained cases. Speaking generally about the backlog issue, a spokesman for EOIR pointed out that since the end of January 2017, the agency has hired 82 immigration judges, bringing the total

number of immigration judges nationwide to 351. The EOIR spokesman added that an electronic filing system being piloted in San Diego is also expected to help with the backlog.

Policy and Legislative News

Federal judge denies request from Texas to end DACA program

[Daily Texan](#) [9/4/2018 1:56 AM, Megan Menchaca, 10K, TX] reports that a federal judge ruled on Friday against a case that would have stopped recipients of the Deferred Action for Childhood Arrivals program from renewing their enrollment. In his ruling, U.S. District Judge Andrew Hanen of the Southern District of Texas declined to issue an injunction against DACA, which protects more than 700,000 children of undocumented immigrants from being deported, because the lawsuit was brought six years after the law was created by President Obama in 2012. "Here, the egg has been scrambled," Hanen wrote in his ruling. "To try to put it back in the shell with only a preliminary injunction record, and perhaps at great risk to many, does not make sense nor serve the best interests of this country." The lawsuit, filed by Texas and six other states May 2018, argued that DACA was causing irreparable harm to their healthcare and job markets and that Obama exceeded his constitutional authority when creating the law.

Dems demand plan for reunifying 500 children still separated from families

[The Hill](#) [9/4/2018 10:37 AM, Rafael Bernal, 3846K] reports that House Democrats on Tuesday demanded that the Trump administration provide its plan to reunify more than 500 undocumented children who remain separated from their parents as a result of the government's zero-tolerance immigration policy. The administration has failed to implement an adequate reunification plan, according to a letter signed by Minority Whip Rep. and 19 members of the Congressional Hispanic Caucus. "Since the Administration instituted and rescinded the zero-tolerance policy, which purposefully targeted and separated migrant children from their parents, we have yet to see the Administration present a cohesive, well-executed inter-agency plan or inter-governmental coordination with Guatemala, Honduras, El Salvador, and Mexico to ensure that these children are reunited with their families," the 20 House Democrats wrote in a letter addressed to Homeland Security Secretary, Health and Human Services Secretary Alex Azar, Secretary of State and Attorney General.

Separated children in U.S. opt to join their deported parents

[Global Times](#) [9/4/2018 7:33 PM, Staff, China] reports under oath before a US immigration judge, 14-year-old Sandy quietly asks the authorities to send her back to her native Guatemala, which she had left only months earlier. In a barely audible voice, she affirmed to a judge in Los Angeles her decision to opt for "voluntary departure." She is one of 445 children who as of Thursday were still in US custody, the bitter fruit of US President Donald Trump's policy of "zero tolerance" of illegal immigration. Sandy entered Arizona on May 17 at the height of US enforcement of the policy that ultimately led to more than 2,600 children being separated from their families. Of those, 2,157 have now been reunited with their families. The government says it has seen a rise in the number of children asking to leave the country voluntarily to rejoin their parents. A report released on Thursday detailed 15 cases so far, adding that the government would "facilitate and pay for" return transportation. Judge Ashley Tabaddor, who for nine years has dealt with cases of "unaccompanied minors," said that voluntary departures are not common in her court. But the current group of children is hardly typical. When it separates a family, Tabaddor said, "our government is creating an unaccompanied child." It was Tabaddor, who is president of the National

Association of Immigration Judges, who heard Sandy's case, granting the government 120 days to prepare for the girl's return.

Feds Not Doing Enough to Keep Unaccompanied Minors Safe: Report

[Epoch Times](#) [9/4/2018 5:28 PM, Charlotte Cuthbertson, NY] reports under the Obama administration, the discovery that unaccompanied children were entering the country, mostly illegally, across the Southwest border, and subsequently being placed with human-trafficking rings, galvanized a Senate subcommittee to investigate. Three years and many recommendations later, the committee says not enough has changed. In 2014, during an unprecedented surge of unaccompanied minors crossing the border, the Office of Refugee Resettlement placed eight children into the hands of traffickers, according to a report by the Senate Permanent Subcommittee on Investigations, released on Aug. 15. "The traffickers put the children into forced labor on an egg farm in Marion, Ohio," the report states. "The children worked for no pay for 12 hours a day, six to seven days a week, and lived in deplorable conditions. The traffickers threatened them and their families with violence if the children did not comply with them." The traffickers lured the children into the United States over a four-month period, with promises of education and a better life, the report said. In the 2014 case, the human traffickers posed as family members or friends of the family to the eight children, and ORR placed them, without conducting background checks or site visits. Six of the seven traffickers have subsequently been convicted, with one case still to be decided.

In recent years, around 6,000 to 7,000 unaccompanied minors have failed to attend their immigration court hearings, each year, according to James McHenry, director of the Executive Office for Immigration Review. He said more than 80,000 unaccompanied minor cases are pending, which is about 11 percent of the overall pending caseload. While failing to appear in immigration court automatically places an alien into removal proceedings, almost no unaccompanied minors are ever removed. By definition, an unaccompanied alien child is under 18 and has no parent or legal guardian in the United States, or no parent or legal guardian in the United States who is available to provide care and physical custody, according to the Department of Homeland Security. Regardless, Homeland Security determined that about 60 percent of the children initially determined to be "unaccompanied alien children" are released by ORR within an average of 57 days to a parent already living illegally in the United States.

How Fingerprinting Parents Seeking Asylum in the United States Endangers Both Them and Their Children

[Teen Vogue](#) [9/4/2018 8:00 AM, Elaine Murphy] reports every year since 2005, there are between 7,000 and 9,000 children who have trekked thousands of miles by themselves from their homes, primarily from Honduras, Guatemala, and El Salvador, to the United States, hoping to reunite with their family members. Many are fleeing violence, poverty, and domestic abuse. Their age — many 18 years old or younger — makes them more susceptible to risks along the way, such as sexual and physical assault, abuse by other migrants, and inability to find shelter. Now, however, agencies are making these family reunions even more difficult. In an April memorandum of agreement, the offices of Health and Human Services (HHS) and the Department of Homeland Security (DHS) announced they would be fingerprinting all sponsors, including parents, and could use the information for immigration enforcement — adding another layer of fear and distrust to an already tense immigration climate in which undocumented immigrants are being targeted for criminal conviction and deportation because they were seeking asylum in the U.S.

Once they cross the U.S. border, unaccompanied children are taken into youth detention centers run by the Office of Refugee Resettlement (ORR), a division of HHS, as they have been since 2003. With the influx of roughly 2,300 children who have been separated from their families at the border since May, ORR facilities are currently housing almost 11,000 children. Previously, ORR fingerprinted extended family sponsors but not parents in many cases, and did not use the data to enforce immigration laws. Now, any adult living in the child's potential placement home, including parents, must provide fingerprints and their immigration status, in addition to a full background check with sensitive biographic information such as criminal history and Social Security number, if applicable. This information is shared with Immigration and Customs Enforcement (ICE), which will use this information to conduct immigration checks, and will keep the data for five years.

Coffman Introduces 'TPS Extension Act of 2018'

[Rep. Mike Coffman](#) [9/4/2018 4:10 PM, Staff] reports today, U.S. Representative Mike Coffman (R-CO) introduced H.R. 6696, the 'TPS Extension Act of 2018'. The legislation, if enacted, would extend the government program known as Temporary Protection Status (TPS) for all current participating countries through September 15, 2021. Currently, the ten countries that participate in the TPS all have expiring dates extending into 2020, with the most pressing being Sudan, expiring November of 2018. "This legislation is aimed at providing certainty and stability to those living under TPS, as Congress and the Administration debate a path forward. Having separate expiration dates for different countries causes unnecessary hardship on a population already facing uncertainty about their futures," said Coffman. Currently all who reside in the U.S. under TPS have paid a processing fee, have gone through a background and criminal check and have been granted work documents from U.S. Citizenship and Immigration Services (USCIS). According to a Congressional Research Service report, there are currently over 436,000 total TPS enrollees, of which approximately 90% are from El Salvador (262k), Honduras (86k), Haiti (58k) and Nicaragua (5k).

President Trump's in-laws benefited from chain migration. That's a good thing.

[Washington Post](#) [9/5/2018 6:00 AM, Walter D. Kamphoefner] reports President Trump has long railed against "chain migration" and continues to threaten to end family-preference immigration visas, despite the fact that his in-laws Viktor and Amalija Knavs were granted U.S. citizenship through the first lady's sponsorship. But Trump did not originate attacks on chain migration. The anti-immigration lobby with the mendacious acronym FAIR (Federation of American Immigration Reform) has been denouncing chain migration on its website for more than a decade, arguing that current policy has made U.S. immigration less meritocratic, because "most migrants receive a green card simply because they are the relative of an earlier migrant, not because of what they can contribute to American society." Whether through ignorance or intent, FAIR unfairly stigmatizes what has been a normal feature of migration to the United States and around the world for centuries. Chain migration was the predominant form of immigration long before there were visa policies favoring it, and it played a vital role in easing culture shock and promoting acculturation across the centuries.

[NY] Military bases enforcing U.S. immigration laws may be exceeding their authority

[Documented](#) [9/4/2018 3:02 PM, Felipe De La Hoz] reports in July, Pablo Villavicencio, an undocumented immigrant who had applied for a green card and is married to a U.S. citizen,

was detained while delivering pizza to the Fort Hamilton Army base in Brooklyn and held for 53 days. While he had previously delivered food to the base without incident, this time he was detained under a 2009 Department of Defense directive called (DTM) 09-012, "Interim Policy Guidance for DoD Physical Access Control." The memo created the legal authority for military bases to vet the identities of visitors seeking "unescorted access" and to have their "fitness" to enter evaluated by checking the National Crime Information Center and Terrorist Screening databases. The memo authorizes bases to use "other sources as determined by the DoD Component" which can include checks with Department of Homeland Security agencies that could reveal immigration status and warrants.

In Villavicencio's case, Ft. Hamilton discovered that an outstanding active Immigration and Customs Enforcement warrant was on file, a Fort Hamilton spokeswoman told the New York Post. "The Army Civilian Police and Security Guard Program," a handbook which lays out the current procedures, policies, and authorities governing the programs, features a section titled "Authority," which says that DASG and Civilian Police (DACP) officers "can apprehend any persons found on the installation or activity for offenses committed on post that are felonies, misdemeanors, breaches of the peace, a threat to property or welfare, or detrimental to good order and discipline." It is not clear if an outstanding civil immigration warrant satisfies any of these conditions. The handbook adds that "such apprehension authority is limited to issuing citations and turning the subject over to the appropriate civilian or military authorities," apparently allowing civilian officers to at least theoretically turn an immigrant over to ICE. An ICE spokesperson didn't respond to questions about any formal enforcement arrangement between ICE and the Army.

[TN] Tennessee jail refuses ICE request on detaining immigrants

[Washington Post](#) [9/4/2018 11:11 AM, Associated Press] reports that non-citizens suspected of living in the U.S. illegally won't be held in a Tennessee jail past their scheduled release dates, despite federal requests to keep holding them. But the Commercial Appeal reports that the Shelby County Sheriff's Office is still cooperating in other ways with U.S. Immigration and Customs Enforcement. In April, the county attorney's office ruled ICE's 48-hour detainer requests likely violated the U.S. Constitution. Sheriff's policy adviser Debra Fessenden says ICE is still notified whenever a non-citizen is booked into the jail. The immigration agency is allowed to make arrests at the facility, and can be notified of suspects' release times. A Tennessee law mandating compliance with ICE detainer requests goes into effect next year. It's unclear how that will affect Shelby County's policy.

[TX] African migrants surge at U.S.-Mexico border; Rio Grande drownings up

[UPI](#) [9/4/2018 3:43 PM, Patrick Timmons] reports Piedras Negras, a city across the U.S.-Mexico border from Eagle Pass, Texas, saw the arrival of more than 90 refugees in the past two months from war-ravaged African countries trying to flee to the United States. Eagle Pass has also seen 15 migrants from Latin American countries dying as they tried to enter the United States this year, either drowning while crossing the Rio Grande river or from heat stroke. Many of the African refugees had been travelling for at least three years, the Rev. José Valdés, an advocate for migrants' rights told UPI in a phone interview from Piedras Negras, where the Catholic Church runs a shelter. "After leaving Cameroon, Angola and the Congo they arrived in South America. Then they made it to Guatemala, and after crossing into Mexico at Tapachula, Mexican authorities provided them with two-week transit visas so they could cross through the country legally to the United States, where they are seeking asylum," Valdés said. "They were fleeing war but some were also

escaping persecution for their beliefs," said Valdés, who serves as media spokesman for the Piedras Negras-based Casa del Migrante Frontera Digna shelter and advises immigrants there.

Valdés said the African refugees waited in Piedras Negras until they obtained an appointment with U.S. immigration officers to make their asylum claim. This summer, Customs and Border Protection officers routinely told asylum seekers attempting to enter U.S. ports of entry they would have to wait in Mexico until an appointment with an immigration officer became available. The practice of making asylum seekers wait in Mexico sparked criticism as possibly in violation of U.S. international treaty obligations. It also forced migrants to sleep rough in Mexican border cities like Tijuana, Matamoros and Nogales, a situation Piedras Negras wanted to avoid. Until last week, the number of Africans arriving each day overwhelmed Piedras Negras' two migrant shelters. One of the shelters is run by the city and usually only accommodates minors, but city officials relaxed that restriction to house the African refugees.

[NM] New Mexico compound residents appear in court

[Washington Post](#) [9/4/2018 1:30 PM, Associated Press] reports five former residents of a ramshackle compound in northern New Mexico where a 3-year-old boy's body was found last month have made their first appearance in federal court on firearms-related charges. Tuesday's court hearing in Albuquerque focused on allegations against Jany Leveille of illegal possession of firearms and ammunition linked to her unlawful immigration status and conspiracy accusations against the four other defendants. The judge scheduled a detention hearing for Leveille and the others on Wednesday. Public defenders are expected to be appointed soon for all five defendants. State prosecutors also have said they plan to seek indictments in connection with the death of Siraj Ibn Wahhaj's son and living conditions at the compound where 11 children were found living in filth.

[CA] PolitiFact California: Does ICE Have Unlimited Authority To Make Courthouse Arrests?

[PolitiFact California](#) [9/4/2018 1:33 PM, Chris Nichols, 34K, CA] reports that California's supreme court chief justice and immigrant rights groups criticized ICE last month after the federal agency arrested an undocumented man inside a local Sacramento courtroom. The unusual move is believed to be the first by the U.S. Immigration and Customs Enforcement Agency inside a Sacramento Superior Court room and follows multiple arrests by the agency inside Fresno's local courthouse earlier this summer. Richard Rocha, an ICE spokesman, said California's sanctuary law has forced the agency to make more arrests in public places instead of at local jails.

California Supreme Court Chief Justice Tani Cantil-Sakauye has acknowledged the courthouse arrests are "perfectly legal." She originally spoke out last year against them saying, "witnesses and victims will no longer come to court to report or bear witness against the bad guys, and will not report crimes." Her comments drew a rebuke from U.S. Attorney General Jeff Sessions who criticized her characterization of ICE agents "stalking" undocumented immigrants in courthouses. Rocha, the ICE spokesman, said the federal agent had a criminal warrant for the man's arrest and that arrests at courthouses reduce public safety risks because individuals have already been screened by security. He said the agency has no plans to stop arrests at courthouses.

[CA] Under Zero Tolerance, Illegal Border-Crossers Can Be Treated More Harshly Than Their Smugglers

[Voice of San Diego](#) [9/4/2018 6:00 PM, Maya Srikrishnan, 18K, CA] reports that the Trump administration's zero-tolerance approach to immigration has led to lose-lose situations for so-called material witnesses – people who have been smuggled into the United States but help prosecutors build cases against their smugglers, often in exchange for not being prosecuted for their own illegal entry into the country. Some material witnesses have been kept in Border Patrol stations for weeks before they receive a first court hearing, as prosecutors and U.S. Marshals struggle to manage the surge in immigration prosecutions that began in the spring.

That creates a perverse situation in which people who aren't being charged with a crime are actually treated more harshly than those who are, attorneys say. According to the Immigration and Nationality Act, criminal penalties for human smuggling or "bringing in and harboring certain aliens," can result from knowing someone is undocumented and encouraging them to enter the United States illegally, helping them do so, transporting them across the border or housing or hiding them in the United States.

Legal News

Vague Notices Don't End Immigration Court Proceedings: BIA

[Law 360](#) [9/4/2018 4:38 PM, Kevin Penton] reports a recent U.S. Supreme Court decision that requires the federal government to include time and place information on notices to appear that it serves immigrants is limited to the so-called stop-time rule, the Board of Immigration Appeals determined as it tossed the case of a Mexican man whose notice did not include the information. The BIA held that the Supreme Court's June decision in *Pereira v. Sessions* was limited to the stop-time rule, which relates to the period an immigrant must continually reside in the U.S. to use a certain legal tool to stay, according to the board's Friday decision. The BIA held that because the high court's ruling is limited to that issue, it does not invalidate all notices to appear that do not contain the time and date information. The immigrant, German Bermudez-Cota, received a notice to appear in August 2013 that did not include the relevant information and a notice of hearing a month afterward that cited May 13, 2014, at 1 p.m. as the date and time for the hearing, which he attended, according to the decision. Following the Supreme Court's *Pereira* ruling, Bermudez-Cota challenged an immigration judge's October 2017 ruling denying his bid for an administrative closure of his case, arguing that his case should be terminated after the *Pereira* decision, according to the decision by the BIA, which disagreed.

Hunton Immigration Law Blog: Sessions Nullifies BIA Decision In Case With Far-Reaching Impact For Victims Of Gang-Based And Domestic Violence

[Mondaq](#) [9/4/2018 4:38 PM, Susan Kern] reports in a closely watched asylum appeal, Attorney General Jeff Sessions has issued a decision that will adversely affect the ability of victims of domestic and gang violence to find protection in the United States. Matter of A-B- was originally decided, in December 2016, in favor of the asylum seeker by the Board of Immigration Appeals. The BIA is an administrative branch of the U.S. Department of Justice. It accepts appeals, filed by either government attorneys or immigrants, of decisions made by civil immigration courts throughout the country. In late 2016, the BIA overturned the 2015 denial of A-B-'s asylum claim by a judge in Charlotte, North Carolina, where asylum was denied at a rate of 72 to 84.5 per cent between 2011 and 2016. Finding the

denial was "clearly erroneous," the BIA said A-B- had proven she was persecuted based on membership in a "particular social group"; specifically, "El Salvadoran women who are unable to leave their domestic relationships where they have children in common." In March 2018, Sessions referred the BIA's decision to himself – a controversial practice that gives a political appointee, and the head of a law enforcement agency, absolute power to overturn the decision of an independent and neutral tribunal of administrative judges. Sessions's decision yesterday, which comes as a surprise to no one, vacates the BIA's grant of asylum as "wrongly decided" and says: "The mere fact that a country may have problems effectively policing certain crimes — such as domestic violence or gang violence — or that certain populations are more likely to be victims of crime, cannot itself establish an asylum claim." Calling it "an affront to the rule of law," a group of 15 former immigration and BIA judges said Sessions's finding erased "a 15-year process through the immigration courts and BIA" to develop nuanced and reliable legal standards on the "particular social group" basis for asylum.

Wyoming And Colorado Groups Join Forces On Immigrant Aid Response

[Wyoming Public Media](#) [9/4/2018 1:09 PM, Melodie Edwards, 6K, WY] reports that an immigrant advocacy organization in Wyoming has joined forces with another in Colorado to create what they're calling a Rapid Response Network. The groups plan to work across state lines to provide legal services, discrimination reporting and other aid to the region's immigrants. ACLU Organizer Antonio Serrano is also chairman of Juntos, which means "together" in Spanish. He said the number of people detained has increased by 145 percent at ICE's Colorado-Wyoming field office, according to a recent Homeland Security report.

Timely new ABA book tells fascinating, controversial stories of immigration

[American Bar Association](#) [9/4/2018 2:32 PM, Staff, 159K] reports that rather than traveling over immigration's well-worn legal and political terrain, the new American Bar Association release, "Safe Haven in America: Battles to Open the Golden Door," tells stories – tales of children kidnapped to foreign countries in bitter divorce battles, families all but destroyed by the attack on the World Trade Center, a hero's shabby treatment after standing up to terror and a young DACA recipient becoming the target of a hate attack. "Safe Haven" presents the human face of immigration, covering cases that are as fascinating as they are controversial. Whether it's about the long-term impact of the 9/11 terrorist attacks on immigration policy or the latest twist in separating migrant children from their asylum-seeking parents at the border, author Michael Wildes' opinion has been sought by a range of news organizations, from Fox News to CNN. He speaks with the hard-won experience of more than a quarter-century on the front lines of immigration, as an attorney and as managing partner of Wildes & Weinberg, the premier immigration law practice in the country.

Immigration Services News

Who Will Be Hurt By The Latest USCIS Decision On H-1B Visas?

[Forbes](#) [9/5/2018 12:04 AM, Stuart Anderson] reports On August 28, 2018, U.S. Citizenship and Immigration Services (USCIS) announced it would "extend and expand" its suspension of premium processing for H-1B petitions. Given the frequent use of premium processing for business immigration this announcement carries potentially significant consequences for individuals and employers. To better understand the issue, I interviewed William Stock, a founding member of Klasko Immigration Law Partners, LLP. William has practiced

immigration law for more than two decades and is a recent past president of the American Immigration Lawyers Association:

Stuart Anderson: What is premium processing?

William Stock: The Premium Processing Service is offered for some employment-based temporary and permanent petitions filed with USCIS. In exchange for an extra fee of \$1,225, proposed to rise to \$1,425 in October, USCIS commits to adjudicate the petition in 15 days or fewer. If USCIS fails to meet that processing time commitment, then it must return the extra fee to the petitioner.

Anderson: Who do you think will be hurt most by the decision?

Stock: Those hurt most will be employees in H-1B status seeking to leave their current jobs for ones that pay a higher salary. In today's environment of increasing denials and Requests For Evidence, as well as threats to start removal proceedings if a denial leaves an employee out of status, H-1B employees are understandably reluctant to quit a job for which they hold H-1B status until they are sure that the new job is also approved for H-1B status. The next biggest detriment will be to H-1B employees wishing to travel internationally – they may have to put off travel plans if they need their H-1B petition approved in order to return to the United States.

Enforcement News

How undocumented immigrants prepare for life after deportation

[Dallas Morning News](#) [9/4/2018 7:15 AM, Javier Giribet-Vargas, 496K, TX] reports, a bank account. Power of attorney. Dual citizenship. These are some of the strategies the Consulate of Mexico in Dallas recommends for undocumented immigrants to protect their assets in case they're deported. Mexican officials are encouraging Mexican citizens without documentation to be prepared for the disruption of their lives that can come with the deportation of even one family member. Their recommendations include having Mexicans living in North Texas apply for passports and Mexican voting cards in case they need to ease their way back into Mexican society. From January 1st through August 31st, the Consulate processed 2,699 dual citizenship applications, according to spokesman Rubén Ovando. The number of Mexicans who are in this process has been growing, from 977 in 2016 to 2,474 in 2017.

A reporter detained: On life inside ICE camps

[Columbia Journalism Review](#) [9/4/2018 6:45 AM, Emilio Gutiérrez Soto, 71K, NY] reports that last year, my son and I were ordered deported from the United States. Ten years ago, in spite of the danger of working as a journalist in my home country, Mexico, and President Felipe Calderon's "War on Drugs," I never imagined that I would cross the border to the U.S., seeking the protection of the authorities, or that I would twice be imprisoned in holding camps, the second time with my son Oscar at my side. But the decision to request asylum was quick. Crossing the armed forces of my country, the executing arm of the Mexican state under the control of Calderon, was not something to think twice about. I had received serious threats from the Mexican government. Because of my work, I lost access to my true heritage, lost a family, lost a beloved woman, lost a community, lost a Motherland, and was forced to venture out in search of charity.

I was sent to a holding camp, and my son — just 15 years old — to a youth center. And with jail came separation from Oscar, who is my life, my very breath. Our separation was a disgrace. The limbo began, and it was without mercy. Almost ten years later, the story repeated itself. But this time we were both locked in the same camp for more than seven months. That has wounded me even more. December 7, 2017, we were waiting for an Appeals Court reconsider the deportation ordered by Robert Hought, an immigration judge in El Paso, Texas. We were ordered deported. Without taking into account our appeal, our wrists and ankles were handcuffed and we were about to be forced to cross the border back to a confrontation with our hangmen, the Mexican military officials who are the executing arm of the Aztec Nation. A phone call to ICE officers allowed us to return to the unit that had ordered our deportation. But it did not prevent us from ending up in jail, and this began our painful Viacrucis that I would not wish on any earthly inhabitant.

[MA] Deported Dominican man pleads guilty to illegally re-entering the U.S.

[MassLive](#) [9/4/2018 8:37 PM, Jeanette DeForge, 180K, MA] reports that Radhames Esmereldo Guerrero-Mejia, 34, pleaded guilty to illegal entry of a departed alien Tuesday in U.S. District Court in Boston, said Christina DiLorio-Sterling, spokeswoman for the U.S. Attorney General. He is scheduled to be sentenced on Dec. 4 by U.S. Senior District Court Judge Mark L. Wolf and faces a maximum sentence of 20 years in prison, three years of supervised release and a fine of \$250,000. Guerrero-Mejia also will be subject to deportation after completing his sentence, she said.

[CT] Stuck in citizenship limbo: Connecticut ex-con has been in ICE custody for three years because he can't prove he's a U.S. citizen

[New York Daily News](#) [9/5/2018 6:00 AM, Stephen Rex Brown, NY] reports Andrew Findley finished a 24-year sentence in 2015 for dealing crack — and then his troubles really began. The 44-year-old was taken into ICE custody after doing his time because the government believes he was born in Jamaica and should be deported due to his criminal record. Findley, who says he spent most of his teens and adult life in Bridgeport, Conn., grew up believing he was born in the U.S. Virgin Islands, making him an American citizen. He was released last month after serving three years and three months in ICE custody, fighting deportation. But neither the U.S. nor Jamaica wants Findley, and he remains stuck in citizenship limbo. The unusual case highlights the challenges one faces when unable to prove something most people take for granted: where they were born. "Because there was not a significant likelihood of removal in the foreseeable future, and ongoing litigation regarding his United States citizenship claim, Findley was released from ICE custody on an Order of Supervision, using GPS monitoring. He will continue to report to ICE, as required," an ICE spokeswoman said.

[VA] 24/7 vigilance, a live-in lawyer and embracing activism: two months of claiming sanctuary in a Richmond church's basement

[Virginia Mercury](#) [9/4/2018 3:02 PM, Ned Oliver, VA] reports a knock on the locked church doors prompts an unexpected line of interrogation from a congregation member inside: "Who are you? Why are you here?" The door eventually opens, but only after the person on the other side has verified that the church is indeed expecting a visitor. Taped to the inside is a list of instructions on how to demand a warrant from Immigration and Customs Enforcement agents. The First Unitarian Universalist Church of Richmond began shielding Abbie Arevalo-Herrera from immediate deportation at the end of June. Two months later, she's still here, living in a Sunday school classroom in the basement and making breakfast

for her children in the institutional kitchen across the hall, where a sign taped to one of the fridges reads "Abbie's food." She said she never had a chance to ask for asylum and instead was given a notice to appear before an immigration court. A spokeswoman for ICE, Carissa Curtell, confirmed the agency knows Arevalo-Herrera is at the church, saying in a statement she "is illegally present in the U.S., failed to report to ICE for removal to Honduras and instead took sanctuary in a Richmond, Virginia, church, making her an ICE fugitive."

[WV] Mexican man sentenced for immigration crime

[WSAZ](#) [9/4/2018 11:13 PM, Staff, 43K, WV] reports a man from Mexico was sentenced Tuesday to "time served" for re-entering the United States illegally, U.S. Attorney Mike Stuart said. Eduardo Martinez-Campeano, 47, has been in federal custody for nearly five months. He is subject to deportation, according to a news release from Stuart's office. Investigators say Martinez-Campeano had two felony convictions and three prior deportations. On April 10, Martinez-Campeano was traced to a hotel in Huntington by members of Immigration and Customs Enforcement after receiving a tip that he was in the country illegally and working at a restaurant in Barboursville.

[OH] Emergency Stay Filed To Block Deportation of Black Mauritanian

[Black Star News](#) [9/4/2018 5:53 PM, Staff, 3K, NY] reports that Samba Diaw, a Columbus resident for more than twenty years, is in ICE custody and could be deported at any time. This morning his attorney Emily Brown, with Advocates for Basic Legal Equality, filed an emergency stay with the Board of Immigration Appeals on his behalf.

The plight of Black Mauritians facing persecution, arrest, and being enslaved if deported to their native country has garnered recent attention in The Atlantic, Washington Post editorial board, and Columbus Dispatch. "It is an affront to American values that the government is trying to deport Samba to a country where he will be subjected to slavery and torture," said his attorney, Brown. "We call on ICE to stop the detention and deportation of Samba and the many other Mauritians who have lived in our communities for decades."

[MN] Augsburg University professor facing deportation gets to stay for now

[Minneapolis Star Tribune](#) [9/5/2018 12:13 AM, Karen Zamora, 524K, MN] reports that on Friday, Mzenga Wanyama received a stay of deportation from the Board of Immigration Appeals, meaning his deportation order is temporarily paused until the board makes a decision on reopening his original immigration case, said his attorney, Rachel Petersen.

[TX] ICE reports 55 people are still in custody after raid at Load Trail

[EParisExtra](#) [9/4/2018 5:16 PM, Lea Emerson, 3K, TX] reports that Load Trail LLC in Sumner, Texas, is now working to recover after special agents with Homeland Security Investigations executed federal criminal search warrants Aug. 28, 2018. Official reports indicate that 55 people remain in ICE custody after 159 were detained during the raid. Special Agent Katrina Berger called the raid the largest of its kind in more than a decade. According to a statement by ICE, a total of 159 administrative arrests included five women who were served with notices to appear before a federal immigration judge and were released from ICE custody on humanitarian grounds. There were 98 people released after posting an immigration bond and one person voluntarily returned to Mexico. There are still 55 undocumented workers in ICE custody.

ICE Director of Communications Carl Rusnok said the criminal investigation is ongoing at this time. Many have wondered how Load Trail was flagged and what led to the raid that took place August 28 and whether or not other local companies are subject to a similar event. "ICE routinely receives leads from many sources," said Rusnok. "ICE also routinely conducts immigration enforcement actions on a daily basis nationwide. For operational security reasons, ICE does not provide advance notification of its future operations."

[KXII-TV 12](#) [9/4/2018 5:09 PM, Staff, 23K, TX] reports that "those arrested were transported to ICE detention facilities in North Texas and Oklahoma," Rusnok said. "They remain in ICE custody pending disposition of their immigration cases. In addition to their immigration violations, each individual is also being vetted to determine if they have been previously removed, or if they have outstanding criminal warrants." Rusnok said some may also be subsequently charged, as appropriate, with various crimes such as: using fraudulent documents, fraud and misusing visas and immigration documents, false claim to U.S. citizenship and identity theft.

[WFAA](#) [9/4/2018 10:32 PM, Jason Whitely, 191K, TX] reports a company insider at a North Texas trailer manufacturer under investigation for hiring dozens of undocumented immigrants told WFAA that company executives knew ways around federal immigration checks.

{End of Report}